

MINUTES OF SPECIAL MEETING
DANIA BEACH CITY COMMISSION
FRIDAY, MAY 13, 2011 – 5:00 P.M.

1. Call to Order/Roll Call

Mayor Flury called the meeting to order at 5:00 p.m.

Present:

Mayor:	Patricia A. Flury
Vice-Mayor:	Bobbie Grace
Commissioners:	Anne Castro
	Walter Duke
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

Absent:

Commissioner:	C. K. "Mac" McElyea
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2. Ordinance #2011-017

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES BY CREATING CHAPTER 16 "VACATION RENTALS" OF THE CODE OF ORDINANCES, IN ORDER TO PROVIDE FOR REGULATIONS OF "VACATION RENTALS" AS DEFINED WITHIN HOUSE BILL 883; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2011-017.

Bob Daniels, Director of Community Development, noted that we know, through Code Compliance, that there is an issue with temporary rentals of single family homes which are short in duration. These are not vacation rentals, they are illegal rooming houses which bring code and police issues with them. Director Daniels noted that House Bill 883 preempts municipalities from regulating vacation rentals unless they have adopted regulations on or before June 1, 2011.

Susan Trevarthen, Esq., AICP, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., noted she brought this to the attention of staff and the City Attorney. Even though the title is "vacation rentals", it is about the use of short term rental dwellings; the area of preemption being applied is much broader than this ordinance. She noted that the major concern of staff is single family, duplex, triplex, and quadplex rentals in the single family residential type neighborhoods. Ms. Trevarthen noted the ordinance prohibits the rental of property for less than 7 days and regulates the period between 1 week and 1 month. This is targeted into the kinds of units that are covered; and as to time. She advised these regulations uses are handled in an appropriate manner so that

they are compatible with the single family neighborhoods and the quality of life for the neighborhoods. Ms. Trevarthen explained the provisions of the ordinance and noted that it is similar to regulations adopted by other cities in Florida.

Vice-Mayor Grace noted that she often rents for a 4 day stay with her family in other areas. She questioned the length of stays allowed by this ordinance.

Ms. Trevarthen responded that 4 day stays are not allowed; however the Commission could change the scope prior to second reading.

Vice-Mayor Grace questioned if Ft. Lauderdale or any other cities have adopted regulations.

Ms. Trevarthen responded that Ft. Lauderdale is looking into it, but she does not know if they have adopted it. She noted that Lauderdale by the Sea, Oakland Park, the Keys, other cities on the west coast, and Miami Beach have regulations. Ms. Trevarthen noted that the cities that have implemented the regulations are happy to have the protection; it has not been a problem.

Vice-Mayor Grace asked if homeowners and landlords were pro or con for the ordinance financially.

Ms. Trevarthen responded there are 2 groups of homeowners, those impacted and those who seek to use their properties this way. She noted that the bigger issue is generally the minimum length of stay for these rentals; some have requested a minimum 1 month rental. However, input from staff reflected that 7 days was appropriate for Dania Beach.

Commissioner Castro noted this is effective in areas that have vacation homes and timeshares, however, Dania Beach does not have a lot of vacation homes. She indicated that properties that are engaging in this activity are running halfway houses for money, with a disregard for the rest of the neighborhood. This would predominantly affect the southwest neighborhoods, which have been fighting this plight for a long time; also Melaleuca Gardens and properties along West Griffin Road. Commissioner Castro noted she does not care about the 7 day limit, either you are a hotel or a vacation place, and should be registered appropriately; but if staff recommends it she will support it.

Commissioner Duke noted that he spoke with Code Compliance Manager Nick Lupo and the problem is not vacation rentals; the goal is for extra enforcement for illegal group homes. He is not entirely on board with this solution and has concerns that this is not entirely in the Sunshine. Commissioner Duke indicated it has unintended consequences and may hurt individual homeowners and may cause a shift in Section 8 tenancy. He thinks this will be difficult to enforce and is not the right solution; therefore, he will not support it.

Vice-Mayor Grace asked if we have received a lot of complaints of 18-19 people staying in a duplex, because she has not received any reports on this.

Director Daniels responded that Code Compliance Director Lupo expressed an interest in addressing the issue because it has recently become a problem.

Vice-Mayor Grace questioned if this was an absentee landlord problem because she remembers when we outlawed duplexes and apartments because of this problem.

Mayor Flury noted we have always had a problem with high rentals versus home ownership. She said this may not be the right answer, but we do not have time on our side. Mayor Flury stated we have a major problem throughout this community; this is the issue that really messes up our neighborhoods. She said we all know this is not about vacation rentals, or Section 8 because we are limited by the amount of vouchers. This is an opportunity to clean up the neighborhoods.

Commissioner Castro said she does not see the downside of supporting this, it is not a new problem, the communities have been complaining for years. If you are a vacation renter, it is not a problem to register and have a code officer come in one time and inspect your property. Commissioner Castro noted our main problem is illegitimate rentals; this gives code enforcement and BSO authority to go in and look at the properties. She noted this is what Ravenswood Estates did several years ago, and how they cleaned up the problem in their community.

Commissioner Castro motioned to approve Ordinance #2011-017, on first reading.

City Attorney Ansbro apologized for the short notice, but noted that there would be an opportunity for a second reading if the ordinance is approved on first reading tonight.

Ms. Trevarthen noted the City would be preempted from regulating short term rentals, for any purpose, if this ordinance is not approved prior to June 1. She indicated this could be adopted and if it is a problem, the Commission could repeal it.

Commissioner Castro emphasized this is not just about vacation rentals, it is any rental type.

Mayor Flury passed the gavel and seconded the motion because she wants a record of this pitiful day. She requested a copy of the transcript from the City Clerk.

Commissioner Castro	Yes	Vice-Mayor Grace	No
Commissioner Duke	No	Mayor Flury	Yes

Commissioner Castro asked to change her vote to “No”. Seeing as there was no opposition from the Commission, Commissioner Castro’s vote was changed to “No”.

The motion failed 3-1.

3. Adjournment

Mayor Flury adjourned the meeting at 5:34 p.m.

ATTEST:

Louise Stilson

LOUISE STILSON, CMC
CITY CLERK

Approved: May 24, 2011



CITY OF DANIA BEACH

Patricia A. Flury

PATRICIA A. FLURY
MAYOR-COMMISSIONER